

"Express Mail" EM299963422US Date: June 5, 1997
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Brian P. Williams
BRIAN P. WILLIAMS

REQUEST FORM FOR FILE WRAPPER CONTINUATION APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NO: DT-2179
CONT. of : DT-1216

Hon. Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

Sir:

This is a request for filing a continuation-in-part
application under 37 CFR 1.62 of pending prior application Serial
No. 08/455,426, filed May 31, 1995, in the name of Wolfgang
Barnikol entitled METHOD FOR THE PREPARATION OF MOLECULARLY
UNIFORM HYPERPOLYMERIC HEMOGLOBINS.

The above-identified prior application in which no
payment of the issue fee, abandonment, or termination of
proceeding has occurred, is hereby expressly abandoned as of the
filing date of this new application. Please use all the
contents of the prior application file wrapper, including the
drawings, as the basic papers for the new application.

Please enter the Amendment filed on March 10, 1997, but
unentered in the parent application Serial No. 08/455,426.

A Preliminary Amendment is enclosed.



06/05/97

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"65090" 90469880

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The filing fee is calculated on the basis of the claims existing in the prior application as amended above.

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT				
For	Number filed	Number extra	Rate	Basic Fee \$385.00
Total Claims	5	0	\$11.00	0
Independent Claims	1	0	\$40.00	0
First presentation of Multi-dependent Claims			\$130.00	0
Total filing fee			\$	<u>385.00</u> =====

The required filing fee of \$385.00, as well as any additional fees which are required, should be charged to our Deposit Account No. 01-1944. A duplicate copy of this sheet is enclosed.

Amend the specification by inserting before the first line: -- This is a continuation application of Serial No. 08/455,426, filed May 31, 1995. --

The priority of the corresponding German Patent Application No. P 44 18 973.7 of May 31, 1994, is claimed. A certified copy of the German application was submitted on July 5, 1995, in application Serial No. 08/455,426, and receipt thereof was acknowledged in a communication from the Patent and Trademark Office dated May 29, 1996 (Paper No.5).

08869406-060597

The power of attorney in the prior application is to David Toren, Reg. No. 19,468; Shahan Islam, Reg. No. 32,507; Raymond A. Joao, Reg. No. 35,907; and Raj K. Mehra, Reg. No. 36,318; jointly and severally, all of AKOO-TOREN, 1251 Avenue of the Americas, New York, New York 10020-1182. The power appears in the original papers of the prior application.

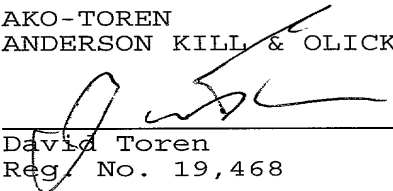
Direct all future correspondence to:

AKO-TOREN
44th Floor
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

Respectfully Submitted,

AKO-TOREN
ANDERSON KILL & OLICK, P.C.

By



David Toren
Reg. No. 19,468

DT:ea

Dated: June 5, 1997

AKO-TOREN
1251 Avenue of the Americas
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Brian P. Williams
BRIAN P. WILLIAMS

DT-2179
Cont. of
DT-1216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : WOLFGANG BARNIKOL
SERIAL NO. : Cont. of Ser. No. 08/455,426
FILED : CONCURRENTLY HERewith
FOR : METHOD FOR THE PREPARATION OF
MOLECULARLY UNIFORM HYPERPOLYMERIC
HEMOGLOBINS
EXAMINER : A. GUPTA GROUP: 1811

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to the issuance of a first Office Action, and
simultaneously with the filing of this continuation application,
please amend the above-identified application as follows:

IN THE SPECIFICATION:

Page 8, line 11, delete "in any case is already large
and heavy" and insert --, as stated above, have an upper
molecular weight range of about 500,000. --.

R E M A R K S

The Examiner's Advisory Action of April 15, 1997 has
been carefully considered. The Examiner contends that amended

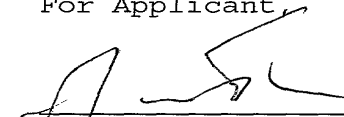
claim 6 would raise new issues under 35 U.S.C. §112, paragraphs 1 and 2, with respect to the definition of hyperpolymeric hemoglobin molecules.

The Applicant respectfully directs the Examiner's attention to the final paragraph on page 7 in the specification. It is clearly stated that the upper molecular weight of a quaternary structured hemoglobin is 500,000. Therefore, it follows that, the terms of amended claim 6, namely, quaternary hyperpolymeric hemoglobin as well as hyperpolymeric hemoglobin, as it relates to quaternary hyperpolymeric hemoglobin, are aptly defined in the specification.

The Applicant respectfully contends that claim 6, as amended, does not raise new issues nor does it render the application problematic under 35 U.S.C. §112. Rather claim 6 relies on information previously disclosed. However, for the purpose of increased clarity, the Applicant has amended the specification at page 8 to reiterate the upper weight range of quaternary molecules, namely, 500,000. Claim 6 states that the hyperpolymers are up to several hundred times the weight of the quaternary molecules. No new matter has been either relied upon or introduced.

Favorable action on the present application is respectfully requested.

Respectfully Submitted
For Applicant



David Toren
Reg. No. 19.468

DT:ea

Dated: June 5, 1997

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